IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal (Ld) No.358 of 2005
in
Chamber Summons No.49 of 2004
in
Suit No. 1850 of 2001

Rajendra Dongersi Momaya ..Appellant

vs.

Mahendra Dongersi Momaya ..Respondent.

Mr.Pravin Diwan i/b Mr.K.H.Halai for appellant
Mr.S.M.Oka for respondent.

CORAM: A.P.SHAH &
S.J.VAZIFDAR JJ.
27th April, 2005

P.C.

1. Heard learned Counsel for the parties.

2. According to the appellant there was settlement between the parties and the parties have acted upon the settlement but the respondent is now trying to back out from the agreed terms of settlement. Assuming that there was settlement between the parties, remedy of the appellant is to take out appropriate proceedings for recording compromise and apply for appropriate consequential reliefs. As far as the order of the learned single Judge is concerned, the appellant is appointed as agent of the Court Receiver and as observed by the learned single Judge he is bound to pay the royalty unless the terms of agency are altered and modified. Appellant is given further 8 weeks time to make payment.

3. Appeal stands disposed of.